



STATE OF NEVADA—DEPARTMENT OF PERSONNEL

CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
CHIEF APPEALS REFEREE	40	A	12.110
SENIOR APPEALS REFEREE	38	B	12.121
APPEALS REFEREE	36	B	12.135

SERIES CONCEPT

Appeals Referees hear unemployment insurance benefit cases, experience rating ruling cases, and employer tax liability cases; elicit and record testimony, accept documentation, make findings of fact, weigh evidence, research law and precedent and write decisions based on conclusions of law in accordance with Chapters 612 and 233B NRS, and federal law, regulations and standards; and performs related duties as required.

Incumbents prepare for hearings by reviewing case file and separate pertinent documentation relevant to the hearing issues; and scheduling time of hearing based on the complexity of the issues, the agreement or lack of agreement upon the facts, and the number of expected witnesses and professional representatives. As necessary, issues subpoenas for witnesses and/or records.

Incumbents conduct appeal hearings by: participating directly in the questioning of parties, particularly parties unrepresented by legal counsel, to develop the facts; controlling the questioning of unrepresented parties by the representative of the other party and assisting directly in cross examination when necessary; guiding the development of the case and keeping a clear understandable recorded record; guaranteeing all parties the due process requirements of law including: proper notice, right to fair hearing tailored to the capacities of the parties, opportunity to produce evidence, present argument and rebuttal, and to confront adverse witnesses; and controlling proceedings with an opening explanation, swearing in and questioning witnesses in logical sequence, developing testimony germane to the issue, limiting redundant or irrelevant testimony, admitting relevant documentation and exhibits, and concluding when facts have reached their full development.

Incumbents write and edit decisions by: weighing all relevant evidence after research of applicable law and precedents to reach a decision in each issue being appealed; stating the mandatory issues clearly, summarizing the findings of fact that will support any conclusions of law, stating the reasons and rationale for the decision, citing applicable precedent, and where conflict exists, the basis for finding one party's testimony more credible; and writing the conclusion in clear, understandable language; editing for corrections of language and legal citation before signing final decision subject only to higher appellate review.

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## CLASS CONCEPTS

### CHIEF APPEALS REFEREE

The Chief Appeals Referee develops and implements statewide procedures to provide timely due process at both the initial and final administrative hearing levels in unemployment insurance benefit, unemployment tax, Work Incentive Program, Trade Readjustment Act, and other programs. Ensures that basic uniform methods of operation are in place for all Appeals Offices. This is accomplished by establishing criteria for coordinating all appeals activities through training sessions and regular meetings between staff within and between area offices so that staff can share and exchange information to enhance appeals efficiency, ensuring more consistency in the appeals process.

Incumbent applies knowledge of possible future appeals program mandates to evaluate impact on the staff's operations, to make suggestions to improvement in administration and services rendered and to ensure that Appeals Offices are organized in such a manner as to implement new programs efficiently and effectively.

Incumbent identifies staff needs for Appeals Offices and selects the best method to fill positions or implement a layoff taking into consideration budget, fluctuations in workload due to economic and seasonal factors and fluctuations and variances in these factors between Appeals Offices. Plans personnel and equipment needs by monitoring workload and flow, integrating law changes, policy changes and staff levels.

Incumbent identifies training needs at all Appeals Offices with the assistance of the Senior Appeals Referees. This is accomplished by coordinating required training with subject matter staff and ensuring that training is scheduled in such a way as to maintain levels of service in all Appeals Offices to meet federal time lapse requirements and to minimize staffing fluctuations during training. Based on observations, reports, and personnel actions, mandates specific training to meet individual needs of senior and journey level Appeals Referees as well as support staff and ensures such training is provided in a timely and effective manner.

Incumbent implements laws, regulations, Board of Review and court decisions and Department of Labor directives as they apply to the appeals function by making a proper analysis of any of the above actions to determine their effect on existing procedures and implementing new procedures to carry out the intent.

Incumbent organizes the local Appeals Office physical plan by planning floor space usage and ensuring that maintenance and custodial work is completed. This is done so that working conditions are adequate for employee and appellant's comfort.

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### CLASS CONCEPTS (cont.)

Incumbent composes Board of Review decisions and opinions from a brief notation of Board action including research to compose final administrative decisions.

This position works under administrative direction from the Board of Review. The position allocated to this level may perform the range of duties described in the series concept but in addition advises the Board of Review through research, seminars and liaison on laws, precedents and Department of Labor requirements.

#### SENIOR APPEALS REFEREE

Senior Appeals Referees perform the range of duties in the series concept under the direction of the Chief Appeals Referees and in addition they plan, organize and supervise Appeals Referees and support staff in Appeals Offices in the performance of the duties described in the series concept.

Incumbents perform planning by reviewing workload and production reports and staffing the Appeals Office to meet federal time lapse requirements.

Incumbents direct Appeals Office staff in program implementation by disseminating and interpreting policy and procedure from the Board of Review and Chief Appeals Referee. This is done to ensure consistent application of federal and state program standards to meet required levels of service. Incumbents assign and review work, provide training, prepare performance evaluations, conduct case evaluations and recommend disciplinary action as necessary. They supervise administrative support staff in scheduling of cases, typing of decisions and compliance with federal time lapse requirements. Incumbents identify training needs by coordinating with Chief Appeals Referee and ensure completion of assigned training in a timely and efficient manner.

Under administrative direction of the Chief Appeals Referee assists in pre-reviews of appeals to the Board of Review by studying the case record and all exhibits, briefs of the parties to the appeal and all other pertinent material for the Board of Review to permit the Board to dispose expeditiously of an otherwise excessive workload.

#### APPEALS REFEREE

Appeals Referees perform the range of duties described in the series concept under general supervision of the Senior Appeals Referee. Work is assigned as caseload permits and is reviewed through subsequent appeals and Board of Review action.

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## MINIMUM QUALIFICATIONS

### CHIEF APPEALS REFEREE

#### EDUCATION AND EXPERIENCE:

##### I

Eight (8) years of experience which included interpreting laws, rules, regulations, or policies; eliciting facts in dispute from adversarial parties; and analyzing a variety of relevant factors, for the purpose of making and preparing a written decision. Two (2) of the years must have been in a supervisory/managerial capacity with responsibility for reviewing and evaluating the work of professional subordinates, delegating assignments, organizing and executing established directives and procedures, and setting priorities; OR

##### II

A Bachelor's degree from an accredited college or university in public administration, one of the social sciences, English, or a closely related curricula, plus six (6) years of the experience described above, including the two (2) years in a supervisory/ managerial capacity; OR

##### III

A Master's degree from an accredited college or university in public administration, or graduation from an accredited law school, plus five (5) years of the experience described above, including the two (2) years in a supervisory/ managerial capacity; OR

##### IV

Four 4) years as an Appeals Referee in Nevada State service; OR

##### V

Two (2 years as a Senior Appeals Referee in Nevada State service.

#### EQUIVALENCY STATEMENT

One (1) year of education above the high school level in the curricula described above may be substituted for six (6) months of the required non--supervisory/managerial experience, up to a maximum of three (3) years.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES: (These may be acquired on the job and/or needed to perform the work assigned.)

Ability to develop and implement statewide policies and procedures. Ability to work effectively with related agencies. Ability to assess the overall operation of the Appeals offices and implement corrective action as necessary. Ability to project workload and appropriate necessary staff and equipment.

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ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES: (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)

Ability to direct, plan, and schedule operations. Ability to determine standard procedures which comply with due process and other legal requirements. Ability to review decisions and recommend appropriate action. Ability to compose final and administrative decisions and opinions. In addition, all other knowledge, skills and abilities required at the lower level of this series.

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SENIOR APPEALS REFEREE

EDUCATION AND EXPERIENCE:

I

Six (6) years of experience which included interpreting laws, rules, regulations or policies; eliciting facts in dispute from adversarial parties; and analyzing a variety of relevant factors, for the purpose of making and preparing a written decision; OR

II

A Bachelor's degree from an accredited college or university in public administration, one of the social sciences, English, or a closely related curricula, plus four (4) years of the above experience; OR

III

A Master's degree from an accredited college or university in public administration, or graduation from an accredited law school, plus three (3) years of the above experience; OR

IV

Two 2) years as an Appeals Referee in Nevada State service.

EQUIVALENCY STATEMENT:

One (1) year of education above the high school level in the curricula described above may be substituted for six (6) months of the required experience, up to a maximum of three (3) years.

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FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES: (These may be acquired on the job and/or needed to perform the work assigned.)

Knowledge of management techniques.

Ability to supervise and evaluate subordinates. Ability to apportion work assignments to accomplish a smooth and efficient operation.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES: (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)

Knowledge of office operations.

Ability to address a group of individuals for training or informational purposes. Ability to organize and execute established directives and procedures. Ability to set priorities in keeping with the goals and objectives of the appeals office. In addition, all other knowledge, skills and abilities required at the lower level of this series.

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#### APPEALS REFEREE

#### EDUCATION AND EXPERIENCE:

##### I

Four (4) years of experience which included interpreting laws, rules, regulations, or policies; eliciting facts in dispute from adversarial parties; and analyzing a variety of relevant factors, for the purpose of making and preparing a written decision; OR

##### II

A Bachelor's degree from an accredited college or university in public administration, one of the social sciences, English, or a closely related curricula, plus two (2) years of the above experience; OR

##### III

A Master's degree from an accredited college or university in public administration, or graduation from an accredited law school, plus one (1) year of the above experience; OR

##### IV

Two (2) years as an Unemployment Insurance Specialist III in Nevada State service; OR

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EDUCATION AND EXPERIENCE: cont.)

V

Three (3) years as an Unemployment Insurance Adjudicator in Nevada State service.

EQUIVALENCY STATEMENT:

One (1) year of education above the high school level in the curricula described above may be substituted for six (6) months of the required experience, up to a maximum of three (3) years.

FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES: (These may be acquired on the job and/or needed to perform the work assigned.)

Knowledge of NRS Chapters 612 and 233B. Knowledge of Employment Security Department and Appeals Board of Review policies. Knowledge of legal precedents concerning unemployment insurance. Knowledge of U.S. Department of Labor regulations and standards. Knowledge of standard rules of evidence, hearsay evidence, and due process requirements.

Ability to define issues, identify relevant factors, and arrive at decisions based on facts obtained. Ability to perform legal research. Ability to schedule hearings based on various factors including complexity, anticipated length of hearing, and disputed facts. Ability to recognize when all relevant facts have been presented, and conclude the hearing. Ability to set priorities to maintain unit performance standards. Ability to determine needed information and phrase questions accordingly.

ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES: (Applicants will be screened for possession of these through written, oral, performance or other evaluation procedures.)

Knowledge of human behavior.

Ability to maintain an unbiased and objective attitude and deal with persons in an emotionally laden confrontation. Ability to write concise, logical, grammatically correct, and understandable decisions. Ability to relate and interpret laws and precedents to cases. Ability to analyze information and judge persons and information in order to determine truthfulness. Ability to establish degrees of truth and reliability in weighing evidence. Ability to work independently; ability to control hostile or emotional people; ability to present information in a tactful manner. Ability to perform a variety of duties under stress with numerous distrac-

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ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES: (cont.

tions. Ability to present relevant rationale for decisions. Ability to listen perceptively and elicit information from persons of various social and economic backgrounds. Ability to resolve public relations problems.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

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ESTABLISHED:	1/1/61	7/18/80	1/1/61
REVISED:	12/1/65	12/18/80-3	12/1/63
REVISED:	7/18/80	7/1/87-12P	12/1/65
		4/14/87PC	
REVISED:	7/1/87-12P		7/18/80
	4/14/87PC		
			7/1/87-12P
			4/14/87PC